

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

CULLAN AND CULLAN, LLC, on behalf of
itself and all others similarly situated,

Plaintiff,

v.

M-QUBE, INC., et al.,

Defendants.

NO. 8:13-cv-00172-JFB-TDT

Honorable Joseph Bataillon

**INTERVENOR GEIER'S MOTION FOR LEAVE TO FILE REPLY TO MOBILE
MESSENGER'S AND M-QUBE'S RESPONSE TO OPPOSITION TO MOTION FOR
PRELIMINARY APPROVAL**

The Mobile Messenger Companies have filed an inaccurate and misleading brief in response to Intervenor Richard Geier's opposition to the pending motion for preliminary approval of the amended settlement. *See* Dkt. No. 91-1. Mr. Geier respectfully requests leave to file a short reply to that brief in order to address the following points:

1. The Mobile Messenger Companies improperly rely on statements made in compromise negotiations in violation of Rule 408 of the Federal Rules of Evidence.
2. The Mobile Messenger Companies falsely assert that Mr. Geier agreed to an inferior class settlement.
3. The Mobile Messenger Companies have submitted a document that indicates the class is comprised of 31 million members, which is ten percent of the entire population of the United States.

RESPECTFULLY SUBMITTED AND DATED this 31st day of March, 2014.

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CERTIFICATE OF SERVICE

I, Toby J. Marshall, hereby certify that on March 31, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 31st day of March, 2014.

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